

***Notice of Rejoinder***

1. Claims 19, 21, 24, 27-28, 30-31, and 33 are directed to an allowable product.

Pursuant to the procedures set forth in MPEP § 821.04(B), claim 1, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, as well as previously withdrawn restricted sequences from claims 24, and 33, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 2/27/2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

## REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: No prior art has been found teaching or suggesting a primer *consisting of* SEQ ID NO:4. The closest prior art, Scanlan et al. (US 6,686,147), teaches SEQ ID NO:18, which comprises the instant SEQ ID NO:4 and teaches primers to amplify such a sequence. It would not have been obvious to arrive at the instant SEQ ID NO:4 from only knowing the sequence (i.e. SEQ ID NO:18 of Scanlan), as applicants have demonstrated that this primer is the only primer out of a series of primers that was able to allow detection of MAGE-1, MAGE-2, MAGE3/6, MAGE-4, and MAGE-12 mRNA in a single sample (i.e. it can simultaneously hybridize and detect 5 different MAGE transcripts, which is shown in Table 3 of the instant specification). It is noted that since the claim has been amended to a composition comprising a primer *consisting of* SEQ ID NO:4, this primer is limited to sequences of only SEQ ID NO:4 and therefore does not read on any sequence larger than SEQ ID NO:4 (i.e. does not read on SEQ ID NO:18 of Scanlan). It is also noted that since the composition *comprises* the primer so, it is still open to other primers to be included in the composition.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Molly E. Baughman whose telephone number is (571)272-4434. The examiner can normally be reached on Monday-Friday 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Horlick/  
Primary Examiner, Art Unit 1637

/Molly E Baughman/  
Examiner, Art Unit 1637